

1 TIMOTHY S. BLACKFORD (Bar No. 190900)
2 VERONICA L. JACKSON (Bar No. 243095)
3 DLA PIPER US LLP
4 401 B Street, Suite 1700
5 San Diego, CA 92101-4297
6 Tel: 619.699.2700
7 Fax: 619.699.2701

8 SAMUEL B. ISAACSON (*Admitted Pro Hac Vice*)
9 PETER M. ELLIS (*Admitted Pro Hac Vice*)
10 DLA PIPER US LLP
11 203 N. LaSalle Street, Suite 1900
12 Chicago, IL 60601-1263
13 Tel. 312.368-4000
14 Fax: 312.236-7516

15 Attorneys for Plaintiffs
16 MAIL BOXES ETC., INC. and UNITED PARCEL
17 SERVICE OF AMERICA, INC.

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 MAIL BOXES ETC., INC., and UNITED
21 PARCEL SERVICE OF AMERICA, INC.

22 Plaintiffs,

23 v.

24 UNITED POSTAL BUSINESS CENTER,
25 JOSEPH CHAN, individually, STANLEY
26 CHAN, individually,

27 Defendants.

Case No. 08-CV-1383 LAB (BLM)

**JOINT MOTION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER**

Judge: Hon. Larry Burns
Place: Courtroom 9

1 Plaintiff Mail Boxes Etc., Inc. ("MBE") and Defendants United Postal Business Center,
 2 Joseph Chan and Stanley Chan ("Defendants"), in accordance with Civil Local Rules 7.2 and
 3 12.1, jointly move the Court to enter an Order granting MBE's *Ex Parte* Application For
 4 Temporary Restraining Order. In support of this joint motion, the parties state as follows:

5 Defendants and all agents, servants, employees and all persons acting in concert with them
 6 or on their behalf, pending further hearing on this matter, agree to entry of a temporary restraining
 7 order, and thus shall be (either directly or indirectly):

8 a. **RESTRAINED** from:

- 9 1. using or displaying the Marks, or any other logos, symbols or trade dress in
 10 connection with advertising, distribution, or display for sale of any product
 11 or service;
- 12 2. making, in any manner whatsoever, any statement or representation, or
 13 performing any act, likely to lead members of the public to believe that
 14 defendants' store is in any manner, directly or indirectly, associated,
 15 affiliated, connected with, licensed, sponsored, authorized or approved by
 16 Plaintiffs;
- 17 3. taking any action, directly or indirectly, in any form or manner whatsoever,
 18 that is likely to dilute the distinctive quality of Plaintiffs' famous registered
 19 Marks or otherwise taking any action likely to cause tarnishment or
 20 disparagement to Plaintiffs' business reputation;
- 21 4. otherwise infringing UPS' or MBE's trade name, trademark or service
 22 marks, or otherwise competing unfairly with Plaintiffs in any manner; and

23 b. Defendants must file with the Court and serve upon MBE's counsel by no later
 24 than August 25, 2008, a written report, under oath, setting forth in detail the manner in which they
 25 have complied with such injunction or order.

26 The parties hereby agree that the Court's ORDER shall be effective immediately, from the
 27 date entered, and shall expire ten (10) days after its entry unless Defendants consent that it may
 28 be extended for a longer period.

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1 Dated: August 13, 2008

2 **DLA PIPER US LLP**

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4 By /s/ Timothy S. Blackford

5 Attorney for Plaintiffs
6 Mail Boxes Etc., Inc. and
United Parcel Service of America, Inc.
tim.blackford@dlapiper.com

7 Dated: August 13, 2008

8 **UNITED POSTAL BUSINESS CENTER**

9
10 By 

11 Dated: August 12, 2008

12
13 
JOSEPH CHAN

14 Dated: August 13, 2008

15
16 
STANLEY CHAN

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20 CHAN, individually,

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28

Case No. 08-CV-1383 LAB (BLM)

PROOF OF SERVICE

Judge: Hon. Larry Burns

Place: Courtroom 9

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper US LLP, 401 B Street, San Diego, California 92101. On August 14, 2008, I served the within documents:

1. JOINT MOTION FOR ENTRY OF TEMPORARY RESTRAINING ORDER;

2. [PROPOSED] ORDER GRANTING JOINT MOTION FOR ENTRY OF TEMPORARY RESTRAINING ORDER

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, and deposited with UPS Overnight at San Diego, California addressed as set forth below.

☒ by transmitting via e-mail the document(s) listed above to the e-mail address(es) set forth below.

☐ by personally delivering the document(s) listed above at the address(es) set forth below.

☐ by transmitting via e-filing the document(s) listed above to the Case Management/ Electronic Case filing system.

Joseph Chan
68 Alvarado Street
Brisbane, CA 94005
joseph_c@hotmail.com

Stanley Chan
25009 Century Oaks Circle
Castro Valley, CA 94552
stan.chan@jc-graphics.com

I declare that I am employed in the office of a member of the Bar of or permitted to practice before this Court at whose direction the service was made.

Executed on August 14, 2008, at San Diego, California.


Debby Brady